



November 18, 1999

Ms. Linda Cloud
Executive Director
Texas Lottery Commission
P.O. Box 16630
Austin, Texas 78761-6630

OR99-3312

Dear Ms. Cloud:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128933.

The Texas Lottery Commission (the "commission") received two requests for information. The first requestor seek several categories of documents related to RFP 362-9-163. The second requestor seeks all information generated as a result of Commission Order No. 99-0015, including all documents released in response to the first request. You explain that many of the responsive documents were released to the requestors. However, you seek to withhold Exhibits D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, and T pursuant to sections 552.101, 552.110, and 552.111 of the Government Code. We have considered your arguments and have reviewed the submitted exhibits.

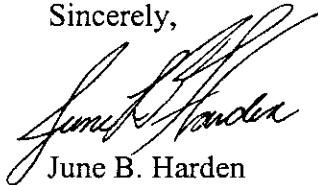
Section 552.101 of the Government Code excepts from disclosure information that is deemed confidential by law, including information made confidential by statute. Section 466.022(b) of the Government Code makes confidential, among other things, 1) security plans and procedures of the commission designed to ensure the integrity and security of the operation of the lottery and 2) information of a nature that is designed to ensure the integrity and security of the selection of winning tickets or numbers in the lottery, other than information describing the general procedures for selecting winning tickets or numbers. You state that the submitted "reports are part of the [c]ommission's security procedures designed to ensure the integrity and security of the tickets and the validation of the winning tickets." Based on

the submitted arguments, we conclude that pursuant to section 552.101, the commission may withhold the following exhibits from required public disclosure: D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, and S.

As for Exhibit T, you claim that this document is excepted from disclosure under section 552.111. Section 552.111 excepts "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined the predecessor to the section 552.111 exception in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ), and held that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. Open Records Decision No. 615 at 5-6 (1993). In addition, section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *Id.* at 4-5. After careful review, we conclude that the information you have marked is not excepted from disclosure under section 552.111. Exhibit T must, therefore, be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID# 128933

Encl. Submitted documents

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